

projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

SEC. 414. All departments, agencies or other Federal entities funded under this Act shall notify the Senate and House of Representatives Committees on Appropriations no later than 7 days before any public or internet announcement by the Department or Administration regarding any new program or activity, including any changes to existing or proposed programs or activities.

SEC. 415. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 416. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

This Act may be cited as the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010".

NATIONAL FALLS PREVENTION AWARENESS DAY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 276, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 276) designating September 22, 2009, as "National Falls Prevention Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 276) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 276

Whereas older adults age 65 and over are the fastest growing segment of our population and whose numbers will increase from 35,000,000 in 2000 to 55,000,000 in 2020;

Whereas 1 in every 3 people in the United States who are 65 years of age or older falls each year;

Whereas falls are the leading cause of injury, deaths, and hospital admissions for traumatic injuries among adults 65 years of age and older;

Whereas, in 2007, approximately 1,900,000 people with fall-related injuries were treated in hospital emergency departments and approximately 492,000 were hospitalized after treatment;

Whereas, in 2006, more 16,600 people aged 65 and older died from injuries related to unintentional falls;

Whereas, in 2000, direct medical costs for fall-related injuries for adults aged 65 and older totaled more than \$19,000,000,000;

Whereas the Centers for Disease Control and Prevention estimate that if the rate of increase in falls is not slowed, annual direct treatment costs under the Medicare program will reach \$32,400,000,000 by 2020;

Whereas evidence-based programs show promise in reducing falls and facilitating cost-effective interventions, such as comprehensive clinical assessments, exercise programs to improve balance and health, management of medications, correction of vision, and reduction of home hazards;

Whereas research indicates that fall prevention programs for high-risk older adults have a net-cost savings of almost \$9 in benefits to society for each \$1 invested;

Whereas the Safety of Seniors Act of 2007 (Public Law 110-202) was enacted to amend the Public Health Service Act (42 U.S.C. 280b et seq.) to create a national education campaign aimed at older adults, their families, and healthcare providers, and injury prevention programs that focus on the reduction and prevention of falls among older adults; and

Whereas the Falls Free Coalition Advocacy Work Group and its numerous national and State supporting organizations should be commended for their efforts to raise awareness and to promote better understanding, research, and programs to prevent falls among older adults: Now, therefore, be it Resolved, That the Senate—

(1) designates September 22, 2009, as "National Falls Prevention Awareness Day";

(2) commends the Falls Free Coalition Advocacy Work Group and the 22 State falls

coalitions for their efforts to work together to increase education and awareness about the prevention of falls among older adults;

(3) encourages businesses, individuals, Federal, State, and local governments, the public health community, and health care providers to work together to promote the awareness of falls in an effort to reduce the incidence of falls among older people in the United States;

(4) urges the Centers for Disease Control and Prevention to continue developing and evaluating interventions to prevent falls among older adults that can be used in effective community-based fall prevention programs;

(5) encourages State health departments to use their significant leadership to reduce injuries and injury-related health care costs by collaborating with colleagues and a variety of organizations and individuals to reduce falls among older adults; and

(6) recognizes proven, cost effective fall prevention programs and policies and encourages experts in the field of fall prevention to share their best practices so that their success can be replicated by others.

NATIONAL PROSTATE CANCER AWARENESS MONTH

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 277, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 277) designating September 2009 as "National Prostate Cancer Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 277) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 277

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly-diagnosed non-skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas in 2009, 192,280 men in the United States will be diagnosed with prostate cancer and 27,360 men in the United States will die of prostate cancer;

Whereas 30 percent of new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old approximately every 14 seconds, increasing his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate up to 65 percent higher than white males and double the prostate cancer mortality rates of white males;

Whereas obesity is a significant predictor of the severity of prostate cancer and the probability that the disease will lead to death, and high cholesterol levels are strongly associated with advanced prostate cancer;

Whereas if a man in the United States has 1 family member diagnosed with prostate cancer, he has a 1 in 3 chance of being diagnosed with prostate cancer, if he has 2 family members with such diagnoses, he has an 83 percent risk, and if he has 3 family members with such diagnoses, he then has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination and a prostate-specific antigen blood test can detect the disease in its early stages, increasing the chances of surviving more than 5 years to nearly 100 percent, while only 33 percent of men survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2009 as “National Prostate Cancer Awareness Month”;

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the screening and treatment of prostate cancer may be improved, and so that the causes of, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 374, the nomination of J. Michael Gilmore; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table; that any statements relating to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF DEFENSE

J. Michael Gilmore, of Virginia, to be Director of Operational Test and Evaluation, Department of Defense.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MEASURE PLACED ON THE CALENDAR—S. 1687

Mrs. FEINSTEIN. Mr. President, I understand that S. 1687 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1687) to prohibit the Federal Government awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now.

Mrs. FEINSTEIN. Mr. President, I object to any further proceeding with respect to this bill.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

ORDERS FOR TUESDAY, SEPTEMBER 22, 2009

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, September 22; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, that following morning business, the Senate resume consideration of Calendar No. 98, H.R. 2996, the Interior appropriations bill; finally, I ask that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. FEINSTEIN. Mr. President, under a previous order, at approximately 12 o'clock the Senate will proceed to a vote in relation to the Feinstein amendment, as modified.

For the information of all Senators, the official photograph of the 111th Congress will be taken at 2:15 tomor-

row in the Senate Chamber. All Senators are encouraged to be seated at their desks at that time.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mrs. FEINSTEIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:58 p.m., adjourned until Tuesday, September 22, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

ELIZABETH M. ROBINSON, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE RONALD SPOEHEL, RESIGNED.

DEPARTMENT OF ENERGY

ARUN MAJUMDAR, OF CALIFORNIA, TO BE DIRECTOR OF THE ADVANCED RESEARCH PROJECTS AGENCY—ENERGY, DEPARTMENT OF ENERGY. (NEW POSITION)

MILLENNIUM CHALLENGE CORPORATION

DANIEL W. YOHANNES, OF COLORADO, TO BE CHIEF EXECUTIVE OFFICER, MILLENNIUM CHALLENGE CORPORATION, VICE JOHN J. DANILOVICH, RESIGNED.

INTER-AMERICAN DEVELOPMENT BANK

GUSTAVO ARNAVAT, OF NEW YORK, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF THREE YEARS, VICE MIGUEL R. SAN JUAN.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

EDGARS AUZENBERGS
KURT J. BEIER
PAUL C. GARGIULO
LAWRENCE H. HENDERSON
GREGORY W. JOHNSON
ERIC B. KRETZ
WILLIAM K. NOFTSKER
MICHAEL P. SCHNEIDER
MICHAEL F. WILSON

THE FOLLOWING NAMED OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 189:

To be captain

MELINDA D. MCGURER

To be commander

DAVID C. CLIPPINGER
MICHAEL J. CORL

To be lieutenant commander

ROYCE W. JAMES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

NICHOLAS A. BARTOLOTTA
DENNIS S. BAUBY
GEORGE G. BONNER
ERIC L. BRUNER
GREGORY A. BUXA
GREGORY J. DEPINET
SHERYL L. DICKINSON
KATHLEEN A. DUIGNAN
MICHAEL J. EAGLE
DOUGLAS M. FEARS
DAVID S. FIEDLER
PATRICK FLYNN
MARK A. FRANKFORD
ROBERT L. GANDOLFO
MATTHEW J. GIMPLE
PETER J. HATCH
LARRY W. HEWETT
MARK A. JACKSON
DANIEL E. KENNY
KEVIN C. KIEFER
RONALD A. LABREC
DANIEL L. LEBLANC
STUART L. LEBRUSKA